

***DETAILED ACTION***

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven B. Phillips (Reg # 37,911) on 1/19/10.

**The application has been amended as follow:**

**IN THE SPECIFICATION:**

**ABSTRACT**

Please replace the Abstract with the following Abstract:

**IN THE CLAIMS:**

Cancel claims 71, 80, 87- 91, 97, 102 and 103.

#### Abstract

Biometric writing system having a pen housing (3) for carrying out hand-guided movements on a substrate (4) at least one microphone (5), which is integrated in a housing (3), for acoustic recording of sound signals which are caused by the hand-guided movements; and a data processing unit (ii) for calculation of biometric data as a function of the recorded sound signals.

***Response to Amendment***

2. Applicant's amendment filed on 11/6/09 has been entered.

Claims 3 – 4, 9, 12-13, 15-18, 20-22, 24-44, 46-48, 50-51, 53, 56-64, 68-69, 71 – 114 are cancel.

Claims 1, 2, 5 - 8, 10 - 11, 14, 19, 23, 45, 49, 52, 54- 55, 65- 67 and 70 are pending in the application.

***Response to Arguments***

3. Applicant's arguments filed on 11/6/09 have been fully considered and are persuasive see remarks on page 9 - 10, with respect to claims 1, 2,5-8,10,11,14,19, 23,45,49, 52,54,55,65-67 and 70 , and the rejection under 102(e) has been withdrawn and are now allowed.

***Reasons For Allowance***

4. The following is an examiner's statement of reasons for allowance:

Claims 1-2, 5- 8, 10-11, 14, 19, 23, 45, 49, 52, 54 – 55, 65 – 67 and 70, are allowed. The closet prior art to Kasabach et al., (US. 6,456,749) discloses a device 10 including a writing instrument 12 (col. 2 line 66 to col. 3 line 4). Device 10 can include an audio interface system 21 including a speaker 22 and a microphone 24 (see col. 4 lines 15, 16). This audio interface 21 of device 10 allows conventional telephony communications. Furthermore the device 10 can be programmed to record audio dictation to translate audio input into text. Device 10 can track the

Art Unit: 2624

movement of the writing tip 16 relative to the substrate surface by means of a pressure sensor 34 and accelerometers 36 in order to recognize handwriting and translate the handwriting into text (see col. 4, line 43 through col. 5, line 39). The cited document discloses an acoustic writing system having a pen housing for making hand- guided movements on a substrate and at least one microphone which is integrated or connected to the pen housing. The microphone 24 of the audio interface 21 are provided to record audio dictation of a person, they are not used to provide biometric data for identification based on the sounds of the pen movements as recited by claim 1, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

5. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEELA C. CHAWAN whose telephone number is (571)272-7446. The examiner can normally be reached on 7.30- 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheela C Chawan/

Primary Examiner, Art Unit 2624

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Application/Control Number: 10/526,715  
Art Unit: 2624

Page 7